

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|----------------------------|---|--------------------|
| ROBERT W. JACKSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A.No. 06-300-SLR |
| |) | |
| STANLEY W. TAYLOR, et al., |) | |
| |) | |
| Defendants. |) | |

ANSWER of DEFENDANTS TAYLOR, CARROLL, AND HOWARD

1. Denied.
2. Denied.
3. Admitted in part. Defendants are without sufficient information to respond to Plaintiff's characterization of his former attorney's representations as "erroneous."
4. Admitted.
5. Admitted.
6. The first sentence of this paragraph is admitted. The balance of the paragraph is denied.
7. Admitted in part and denied in part. 11 *Del. C.* § 4209 provides for execution of condemned prisoners by lethal injection. Denied that the statute is unconstitutionally vague.
8. Denied.
9. Denied.

10. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.
11. Denied.
12. Denied.
13. Denied.
14. Admitted that potassium chloride has been administered as the third chemical
in the lethal injection protocol. Admitted that potassium chloride causes
cardiac arrest. The balance of the paragraph is denied.
15. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.
16. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.
17. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.
18. Admitted.
19. Admitted.
20. Admitted.
21. Admitted.
22. The first sentence of this paragraph is admitted. The second sentence of this
paragraph is denied.
23. Admitted.
24. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.

25. Admitted that Plaintiff filed a grievance challenging the manner in which his execution was to be administered. Admitted that the grievance was denied.
Admitted that an appeal process from the denial of the grievance exists.
Admitted that Plaintiff's attorney was not permitted to file the grievance on Plaintiff's behalf. The balance of the paragraph is denied.
26. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.
27. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.
28. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.
29. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.
30. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.
31. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.
32. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.
33. Admitted.
34. Denied.
35. This paragraph calls for a legal conclusion to which no response is required.
To the extent a response is required, the paragraph is denied.

36. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

37. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

38. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

39. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

40. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

41. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

42. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

43. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

44. Admitted that the job of executioner is voluntary and that the executioner's

identity is kept confidential. The balance of the paragraph is denied.

45. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

46. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

47. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

48. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

49. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

50. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

51. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

52. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

53. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

54. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

55. This paragraph calls for a legal conclusion to which no response is required.

To the extent a response is required, the paragraph is denied.

Defenses (including affirmative defenses)

1. Plaintiff has failed to state a claim on which relief can be granted.
2. Plaintiff has failed to exhaust his administrative remedies under the Prison Litigation Reform Act.
3. Plaintiff's complaint is barred by the statute of limitations.
4. Plaintiff's complaint is barred by the doctrine of sovereign immunity.

WHEREFORE, Defendants pray that this Court dismiss Plaintiff's complaint, lift the stay on Plaintiff's execution, and grant any further appropriate relief.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ _____
Gregory E. Smith, ID No. 3869
Deputy Attorney General
820 North French Street, 6th Floor
Carvel State Building
Wilmington, Delaware 19801
(302) 577-8398
Attorney for Defendants Taylor,
Carroll, and Howard

Dated: September 8, 2006

CERTIFICATION OF SERVICE

The undersigned certifies that on September 8, 2006, he electronically filed the attached *Answer* with the Clerk of Court using CM/ECF which will send notification of such filing to the following registered participant:

Michael Wiseman, Esq.
Assistant Federal Defender
Suite 545 West—The Curtis Center
Philadelphia, PA 19106
Attorney for Robert Jackson

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/

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